

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

BENJAMIN ZARGARIAN,

Plaintiff,

Civil Action No. 6:07-CV-829

vs.

ROBERT THOMAS, ET AL.

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

OFFICE OF ELMER KEACH, III
1040 Riverfront Center
P.O. Box 70
Amsterdam, New York 12010

ELMER KEACH, III, ESQ.

FOR DEFENDANTS:

BURKE, SCOLAMIERO LAW FIRM
9 Washington Square, Suite 201
P.O. Box 15085
Albany, New York 12212

GERALD D'AMELIA, JR., ESQ.

OFFICE OF MICHAEL M. EMMINGER
900 Watervliet-Shaker Road
Albany, New York 12212

MURRAY BROWER, ESQ.

NEAL P. MCCURN
SENIOR U.S. DISTRICT JUDGE

JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT

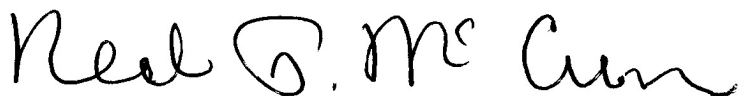
The parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within three months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by electronic means.

Dated: November 24, 2009
Syracuse, New York

A handwritten signature in black ink, reading "Neal P. McCurn". The signature is written in a cursive, flowing style. The first name "Neal" is written in a larger, more prominent script, followed by "P." and "McCurn".

Neal P. McCurn
Senior U.S. District Judge